

APR 18 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

GREGORY LEE CARTER,

Plaintiff - Appellant,

v.

UNIVERSITY OF HAWAII,

Defendant - Appellee.

No. 05-16609

D.C. No. CV-01-00517-LEK

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Hawaii
Leslie E. Kobayashi, Magistrate Judge,^{**} Presiding

Submitted April 13, 2006^{***}

Before: SILVERMAN, McKEOWN, and PAEZ, Circuit Judges.

Gregory Lee Carter appeals pro se from the district court's order granting in part and denying in part his objections to University of Hawaii's ("UH") amended

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The parties consented in writing to proceed before a magistrate judge.

^{***} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

bill of costs. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review a district court's award of costs to a prevailing party for an abuse of discretion, *Save Our Valley v. Sound Transit*, 335 F.3d 932, 944 n.12 (9th Cir. 2003), and we affirm.

“Federal Rule of Civil Procedure 54(d)(1) provides that ‘costs other than attorneys’ fees shall be allowed as of course to the prevailing party unless the court otherwise directs.’ Rule 54(d) creates a presumption for awarding costs to prevailing parties; the losing party must show why costs should not be awarded.” *See id.* at 944-45. We conclude that the district court did not abuse its discretion in awarding UH a reduced award for costs—taking into consideration Carter’s indigent status—in the amount of \$1000. *See id.*

Carter’s remaining contentions lack merit.

AFFIRMED.